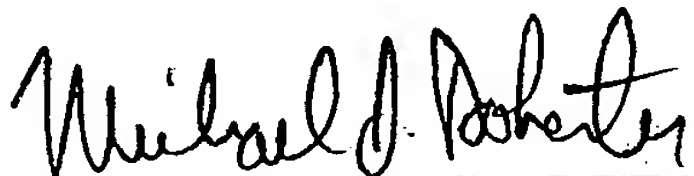



AF JAW

TRANSMITTAL OF APPEAL BRIEF			Docket No. M&R 3.0-039
In re Application of: Doogong Yip			
Application No. 10/627,911	Filing Date July 25, 2003	Examiner M. L. Ferguson	Group Art Unit 2854
Invention: MARKING STRUCTURES FOR HAND STAMPS			
<u>TO THE COMMISSIONER FOR PATENTS:</u>			
Transmitted herewith is the Appeal Brief in this application.			
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 _____ Michael J. Doherty Attorney Reg. No. : 40,592 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP 600 South Avenue West Westfield, New Jersey 07090 (908) 518-6337		Dated: <u>January 5, 2006</u>	
LD-546\			
<div style="border: 1px solid black; padding: 5px;"><p>I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p><p>Dated: January 5, 2006 Signature:  (Michael J. Doherty)</p></div>			



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Dated: January 5, 2006

Signature: Michael J. Doherty
(Michael J. Doherty)

Docket No.: M&R 3.0-039

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Doogong Yip

Application No.: 10/627,911

Group Art Unit: 2854

Filed: July 25, 2003

Examiner: M.L. FERGUSON

For: MARKING STRUCTURES FOR HAND
STAMPS

APPEAL BRIEF UNDER 37 CFR § 41.37

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby files this Appeal Brief to appeal the final rejection of claims 1-13 and 19-24 mailed June 13, 2005. A Notice of Appeal was previously filed on November 30, 2005. The present Appeal Brief is presented together with the fee for filing the Brief pursuant to 37 CFR 41.20(b)(2).

REAL PARTY IN INTEREST

The real party in interest in the case is the assignee of record, M&R Marking Systems, Inc., a New Jersey corporation, having a place of business at 100 Springfield Avenue, Box 6969, Piscataway, New Jersey 08855-6969. The assignment of the present application to M&R Marking Systems, Inc. was recorded in the United States Patent and Trademark Office on January 26, 2004 at Reel 014923, Frame 0188.

RELATED APPEALS AND INTERFERENCES

At present, there are no other appeals or interferences known to Appellant, the Appellant's legal representative or the assignee, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claims 1-13 and 19-24 are pending and under consideration by the Examiner¹. Claims 14-18 have been cancelled. Claims 1-13 and 19-24 are rejected and are the subject of this appeal.

STATUS OF AMENDMENTS

On June 13, 2005, a Final Office Action rejecting claims 1-13 and 19-24 was mailed. After receiving the Final Office Action, Appellant's legal representative prepared and filed an Amendment After Final under 37 C.F.R. 1.116 on November 30, 2005. Subsequently, on December 21, 2005, the Examiner issued an Advisory Action indicating that the Amendment After Final had been entered, however, the Examiner did not accept the arguments to overcome the 35 U.S.C. § 102/103 rejections. No Amendments have been filed subsequent to the submission of the Amendment After Final on November 30, 2005.

¹ Claims 1-13 and 19-24 are presented in the attached Appendix. The presentation of the claims in the Appendix reflects the current status of the claims as discussed in the STATUS OF AMENDMENTS section of this Appeal Brief.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention relates to marking structures for hand stamps. Referring to FIGS. 1 and 2 of the application, in one preferred embodiment, a marking structure is made from a microporous foam sheet 20 having a top surface 22, a bottom surface 24, and peripheral edges 26 extending between the top surface 22 and the bottom surface 24.

Referring to FIG. 3, a process is used to form marking structures that are loaded with ink for creating pre-inked hand stamps. In certain preferred embodiments, selected areas of the microporous foam sheets are exposed to energy for melting the surface of the foam at the selected areas to form non-porous surfaces. The areas of the foam that are not exposed to energy remain porous.

As shown in FIG. 3, a first foam sheet 30 includes a substantially non-porous top surface 32 having images flash-printed thereon, a bottom, untreated surface 34 that remains substantially porous and peripheral edges 36 that extend between the substantially non-porous top surface and the substantially porous bottom surface 34. A cutting device, such as a laser, may be used for cutting a plurality of marking structures 38A-38F. Each marking structure 38A-38F cut from the first foam sheet 30 is substantially similar to one another so that the first marking structures may be used as a first part of a hand stamp marking structure. Each marking structure 38 includes an edge 40 that defines a unique pattern for assembly with another marking structure. In certain preferred embodiments, each first marking structure 38A-38F is cut using a laser. As the laser cuts through the first foam sheet 30, the edges of the individual marking structures 38A-38F are preferably exposed to the energy of the laser for melting the edges of the first marking structures 38. As a result, the cut edges are non-porous so that ink may not pass therethrough. Other cutting

devices such as cutting knives, razors, dies, presses and water may also be used. In all of these other cutting methods, energy is preferably applied to at least one of the edges of the marking structures to form at least one non-porous edge.

FIG. 3 also shows a second foam sheet 42 having a top surface 44, a bottom surface 46 and peripheral edges 48 extending between the top surface 44 and the bottom surface 46. The second foam sheet 42 is treated in a similar fashion as described above with respect to the first foam sheet 30, so that the top surface 44 is substantially non-porous, except for the flag design, and the bottom surface 46 is substantially porous. Second marking structures 50A-50F are cut from the second foam sheet 42. In certain embodiments, the second marking structures 50A-50F are substantially similar to one another and include a unique pattern 52 preferably cut using a laser. As the laser cuts through the second marking structures 50A-50F, the surfaces of the edges are melted for forming non-porous surfaces through which ink may not pass.

In the particular embodiment shown in FIG. 3, the first and second marking structures 38, 50 contain different portions of an American flag. The first marking structure 38 contains the stripes 54 of the American flag, while the second marking structure 50 contains the field and staff portion 56 of the American flag. Referring to FIGS. 9 and 10, in order to create a marking structure for a hand stamp, one of the first marking structures 38A from the first foam sheet 30 is assembled with one of the second marking structures 50F from the second foam sheet 42. The edge pattern 40 of the first marking structure 38A may be assembled with the edge pattern 52 of a second marking structure 50F in only one orientation. This is due to the unique patterns cut into the first and second marking structures 38A, 50F. Moreover, at least one of the non-porous edges 40, 52 of the first and second marking structures 38A, 50F

prevent ink migration between the two marking structures, without requiring a third element such as an ink barrier to be placed between the two marking structures, thereby simplifying the assembly process and minimizing the number of parts needed for assembly.

In certain preferred embodiments, the first marking structure 38A is loaded with red ink so that the stripes of the flag are red and white (in non-porous areas) and the second marking structure 50F is loaded with blue ink so that the field of the flag is blue. After the first and second marking structures 38A, 50F are assembled together, it is desirable to prevent the red ink of the first marking structure 38A from mixing with the blue ink of the second marking structure 50F. As such, the at least one non-porous edge extending between the first and second marking structures is highly desirable for avoiding mixing or migration of the inks.

Referring to FIG. 5, the first marking structure 38A has a non-porous edge 36A with a pattern 40 formed therein. The patterned edge 36A preferably has a number of projections and depressions, which appear substantially similar to the edge of a puzzle piece. The second marking structure 50F has a non-porous edge 48 with a pattern 52 that matches the pattern 40 of first marking structure 38A. As such, the projections of pattern 40 of first marking structure 38A fit into the depressions of 52 of the pattern of the second marking structure 50F, and the projections of pattern 52 of second marking structure 50F fit into the depressions of pattern 40 of first marking structure 38A. As a result, the first and second marking structures 38A, 50F may be assembled together like puzzle pieces. This ensures that the first and second marking structures 38A, 50F may be assembled together in only one configuration, thereby avoiding improper assembly of the two pieces.

FIG. 6 shows a perspective view of the second marking structure 50F having a field and staff portions 56 of an American flag formed thereon. The second marking structure 50F has a top surface 44 that is substantially non-porous, a bottom surface 46 that is substantially porous and that extends in a substantially parallel orientation with respect to top surface, and a peripheral edge 48 extending between top surface 44 and bottom surface 46. As noted above, peripheral edge 48 includes at least one edge having a pattern 52 cut therein. The patterned edge 48 is substantially non-porous, so that the ink stored in the second marking structure 50F does not migrate into a first marking structure (not shown) assembled with the second marking structure 50F. In use, the top surface or front face 44 of second marking structure 50F is pressed against a printable surface, such as paper, so that the ink stored in the second marking structure 50F passes through the microporous holes at the field design 56 formed on the top surface 44. The blue ink does not pass through the non-porous portion of the top surface 44.

Referring to FIG. 10, the first marking structure 38A and the second marking structure 50F are assembled together, whereby the patterned edges of the respective first and second marking structures 38A, 50F interlock with one another to form a unified marking structure 60. As noted above, in this particular preferred embodiment, a red ink is stored in first marking structure 38A and a blue ink is stored in the second marking structure 50F. The non-porous edges between the first and second marking structures 38A, 50F prevent the blue and red ink from migrating into one another. The combined marking structure 60 of FIG. 10 may then be assembled to a hand stamp mount by attaching the rear surface of the combined structure 60 with the mount, such as by using an adhesive.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

I. Whether claims 1, 2 and 4 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,478,682 to Funahashi.

II. Whether claims 7, 9, 19, 21-22 and 24 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,988,987 to Ikura et al.

III. Whether claims 3 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,478,682 to Funahashi in view of U.S. Patent No. 6,119,596 to Fletcher et al.

IV. Whether claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,478,682 to Funahashi in view of U.S. Patent No. 6,000,335 to Imamaki et al.

V. Whether claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,988,987 to Ikura et al. in view of U.S. Patent No. 3,478,682 to Funahashi.

VI. Whether claims 10 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,988,987 to Ikura et al. in view of U.S. Patent No. 6,119,596 to Fletcher et al.

VII. Whether claim 12 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,988,987 to Ikura et al. in view of U.S. Patent No. 6,000,335 to Imamaki et al.

VIII. Whether claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,988,987 to Ikura et al. in view of U.S. Patent No. 3,478,682 to Funahashi.

ARGUMENT

In the Final Office Action, the Examiner rejected claims 1-2 and 4 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,478,682 to Funahashi. Referring to FIG. 3 thereof, Funahashi discloses a multi-color rubber stamp including rubber letter blocks 10 having engraved letter surfaces 10'. Stainless steel partition plates 8 are positioned between each of the adjacent rubber letter blocks 10 to prevent the mixing of different colored inks from one block to an adjacent block.

In contrast, referring to FIG. 3 of the present application, a first foam sheet 30 includes a substantially non-porous top surface 32 having images flash-printed thereon, a bottom, untreated surface 34 that remains substantially porous and peripheral edges 36 that extend between the substantially non-porous top surface 32 and the substantially porous bottom surface 34. A cutting device, such as a laser, may be used for cutting a plurality of first marking structures 38A-38F that are substantially similar to one another. Each first marking structure 38 includes an edge 40 that defines a unique pattern for assembly with another marking structure, as will be described in more detail below.

As noted above, in certain preferred embodiments, each first marking structure 38A-38F is cut using a laser. As the laser cuts through the first foam sheet 30, the edges of the individual first marking structures 38A-38F are preferably exposed to the energy of the laser for melting the foam edges of the first marking structures 38. As a result, the edges become non-porous so that ink may not pass therethrough. Other cutting devices, such as cutting knives, razors, dies, presses and water may also be used to form the first marking structures 38A-38F. In all of these other cutting methods, energy must be applied to

at least one of the edges of the first marking structures to form at least one non-porous edge.

FIG. 3 also shows a second foam sheet 42 having a top surface 44, a bottom surface 46 and peripheral edges 48 extending between the top surface 44 and the bottom surface 46. The second foam sheet 42 is treated in a similar fashion as described above with respect to the first foam sheet 30, so that the top surface 44 is substantially non-porous, except for the flag design, and the bottom surface 46 is substantially porous. Second marking structures 50A-50F are cut from the second foam sheet 42. The second marking structures 50A-50F are substantially similar to one another and include a unique pattern 52 preferably cut using a laser (or one of the other cutting devices listed above). As the laser cuts through the second marking structures 50A-50F, the peripheral edge surfaces are melted for forming non-porous surfaces through which ink may not pass.

In order to create a marking structure for a hand stamp, one of the first marking structures 38 from the first foam sheet 30 is assembled with one of the second marking structures 50 from the second foam sheet 42. Due to the unique patterns cut into the edges of the first and second marking structures, the edge pattern 40 of one of the first marking structures 38 may be assembled with the edge pattern 52 of one of the second marking structures 50 in only one orientation.

In certain preferred embodiments, the first marking structure 38 is loaded with red ink so that the stripes 54 of the flag are red and white (in non-porous areas) and the second marking structure 50 is loaded with blue ink so that the field 56 of the flag is blue. After the first and second marking structures 38, 50 are assembled together, it is desirable to prevent the red ink of the first marking structure 38 from mixing with the blue ink of the second marking structure 50. As

such, the non-porous edges of the first and second marking structures prevent mixing of the ink. Of critical importance, the non-porous edges also preclude the need for a third object, such as a barrier or border, to be assembled between the opposing edges of the two marking structures 38, 50, thereby simplifying the assembly process and minimizing the number of parts needed for assembly.

In response to the Examiner's rejection, Applicant respectfully asserts that Funahashi does not teach or suggest a hand stamp including "said first and second marking structures being permanently assembled together so that at least one of said edges of said first marking structure opposes at least one of said edges of said second marking structure, wherein at least one of said opposing edges has a non-porous surface for preventing migration of said first ink of said first marking structure with said second ink of said second marking structure." Clearly, Funahashi provides no teaching that "at least one of said opposing edges [of a marking structure] has a non-porous surface" for preventing migration of ink. Funahashi teaches using an extra component, i.e., a stainless steel partition plate, to prevent ink mixing. For the above reasons, claim 1 is unanticipated by Funahashi and is otherwise allowable. Claims 2 and 4 are unanticipated, *inter alia*, by virtue of their dependence from claim 1, which is unanticipated for the reasons set forth above.

In the Office Action, the Examiner rejected claims 19 and 21 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,988,987 to Ikura et al. Applicant notes that claims 19 and 21 depend from claim 1, and respectfully asserts that the rejection of these claims should be addressed with respect to the Funahashi reference.

Applicant respectfully asserts that claim 19 is unanticipated by Funahashi and Ikura because the references do

not teach a hand stamp, "wherein said opposing edges of said first and second marking structures are in contact with one another." Claim 19 is also unanticipated, *inter alia*, by virtue of its dependence from claim 1, which is unanticipated for the reasons set forth above.

Applicant also asserts that claim 21 is unanticipated by Funahashi and Ikura because the references do not teach a hand stamp, "wherein said non-porous surface is integral with one of said first and second marking structures." In Funahashi, the non-porous surface is provided by a stainless steel partition plate 8 that is positioned between adjacent rubber letter blocks 10. In Ikura, the non-porous surface is provided by a plastic stamp frame 3 with individual plastic stamp elements 2 that surround the respective foam ink retaining members 11. The references do not teach that the "non-porous surface is integral with one of said first and second marking structures," as required by claim 21. For these reasons, claim 21 is unanticipated by Funahashi and Ikura and is otherwise allowable. Claim 21 is also unanticipated, *inter alia*, by virtue of its dependence from claim 1, which is unanticipated for the reasons set forth above.

The Examiner finally rejected claims 7, 9, 19, 21, 22 and 24 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,988,987 to Ikura et al. Applicant notes that claims 19 and 21 depend from claim 1, not claim 7, and that a discussion of the patentability of claims 19 and 21 is set forth above. Referring to FIGS. 1-3 thereof, Ikura et al. discloses a combination stamp 1 having a plurality of stamp elements 2, each of which includes a stamp frame 3 made of a resin. Each stamp frame 3 has a rectangular cross-section with a top wall 3a and four sidewalls 3b, 3c, 3d, and 3e. One sidewall 3b includes a dovetail-like vertical interlocking projection 5, and another sidewall 3c has a dovetail-like vertical interlocking groove 6.

The vertical projection 5 is fitted into the vertical groove 6 to join adjacent stamp elements 2 together and to prevent horizontal displacement of the adjacent stamp elements 2.

In response to the Examiner's rejection, Applicant respectfully notes that Ikura's two stamp elements 2, shown in FIGS. 2 and 3 thereof, can be assembled in more than one configuration. FIG. 2 shows two adjacent stamp elements 2 that are assembled together. In FIG. 3, Ikura shows a first stamp element 2 (on the left) having a dovetail-like projection 5 that is assembled with a dovetail-like groove 6 of a second stamp element 2 (on the right). However, the first stamp element can be decoupled from the left side of the second stamp element and reassembled with the right side of the second stamp element, whereby the dovetail-like projection on the right side of the second stamp element is assembled with a dovetail-like groove on the left side of the first stamp element. Thus, Ikura's stamp elements can be assembled in more than one configuration. For the above reasons, Applicant respectfully asserts that claim 7 is unanticipated by Ikura et al. because the reference neither teaches nor suggests that the "first and second marking structures can be assembled together in only one configuration." Clearly, Ikura's stamp frames can be assembled together in more than "only one configuration." For the above reasons, claim 7 is unanticipated by Ikura et al. and is otherwise allowable. Claim 9 is unanticipated, *inter alia*, by virtue of its dependence from claim 7, which is unanticipated for the reasons set forth above.

Referring to FIG. 3 of Ikura, the foam ink retaining members 11 have flat edges that are not capable of interlocking with one another. Only the edges of the stamp frames 3 are capable of interlocking with one another. These stamp frames 3 are made of resin. For these reasons, claim 22 is unanticipated by Ikura because the cited reference does not disclose a hand

stamp "wherein the interlocked patterned peripheral edges of said marking structures comprise foam." Claim 22 is also unanticipated, *inter alia*, by virtue of its dependence from claim 7, which is unanticipated for the reasons set forth above.

Claim 24 is unanticipated by Ikura because the reference does not teach a hand stamp including first and second marking structures having interlocked edges, "wherein said first and second marking structures comprise foam surfaces, and wherein at least one foam surface of said first marking structure is in direct contact with at least one foam surface of said second marking structure." Clearly, Ikura's foam ink retaining members 11 are never "in direct contact" with one another. For these reasons, claim 24 is unanticipated by Ikura and is otherwise allowable. Claim 24 is also unanticipated, *inter alia*, by virtue of its dependence from claim 7, which is unanticipated for the reasons set forth above.

The Examiner rejected claims 3 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Funahashi in view of U.S. Patent No. 6,119,596 to Fletcher et al. In response, Applicant respectfully asserts that Fletcher et al. does not overcome the deficiencies noted above in Funahashi. Thus, claims 3 and 6 are patentable, *inter alia*, by virtue of their dependence from claim 1, which is patentable for the reasons set forth above.

The Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Funahashi in view of U.S. Patent No. 6,000,335 to Imamaki et al. The Examiner has cited the Imamaki et al. reference as teaching the formation of a non-porous surface by applying a light source that melts the microporous stamping member. In response, Applicant respectfully asserts that Imamaki et al. does not overcome the deficiencies noted above in Funahashi, and that claim 5 is patentable, *inter alia*, by virtue of its dependence from

claim 1, which is patentable over Funahashi for the reasons set forth above.

Claims 8 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ikura et al. in view of Funahashi. In response, Applicant respectfully asserts that Funahashi does not overcome deficiencies noted above in Ikura et al.

The Examiner rejected claims 10 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Ikura et al. in view of U.S. Patent No. 6,119,596 to Fletcher et al. In response, Applicant respectfully asserts that Fletcher et al. does not overcome the deficiencies noted above in Ikura et al.

The Examiner rejected claims 12 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Ikura et al. in view of Imamaki et al. In response, Applicant respectfully asserts that Imamaki does not overcome the deficiencies noted above in Ikura and that claim 12 is also unobvious by virtue of its dependence from claim 7, which is unobvious for the reasons set forth above.

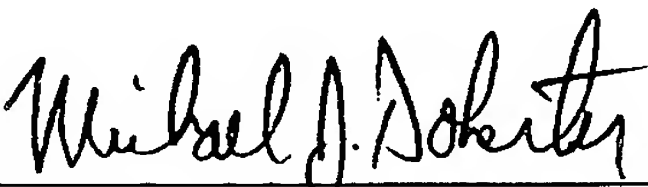
Claim 20, which depends from claim 1, is unobvious over the art of record because the cited references neither disclose nor suggest a hand stamp "wherein said non-porous surface comprises melted microporous foam that prevents ink from passing therethrough." Referring to FIG. 3 thereof, Funahashi uses a stainless steel partition plate 8 for providing a non-porous surface that prevents ink migration. Ikura discloses a plastic frame that functions as a non-porous surface for preventing ink migration. The non-porous surfaces do not comprise "melted microporous foam." For these reasons, claim 20 is patentable over the references cited by the Examiner and is otherwise allowable.

CONCLUSION

For the reasons set forth above, the Examiner's rejection of claims 1-13 and 19-24 under 35 U.S.C. §§ 102(b) and 103(a) must be withdrawn and the claims allowed.

Dated: January 5, 2006

Respectfully submitted,

By 
Michael J. Doherty
Registration No.: 40,592
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Appellant

APPENDIX A - CLAIMS

A copy of the claims on appeal is set forth below.

1. A hand stamp comprising:

a first marking structure having a front surface adapted to print a first ink onto an object, a rear surface and peripheral edges extending between said front and rear surfaces;

a second marking structure having a front surface adapted to print a second ink onto an object, a rear surface and peripheral edges extending between said front and rear surfaces of said second marking structure;

said first and second marking structures being permanently assembled together so that at least one of said edges of said first marking structure opposes at least one of said edges of said second marking structure, wherein at least one of said opposing edges has a non-porous surface for preventing migration of said first ink of said first marking structure with said second ink of said second marking structure.

2. The hand stamp as claimed in claim 1, wherein said first and second marking structures comprise microporous foam.

3. The hand stamp as claimed in claim 1, wherein said first and second marking structures comprise a mixture of thermoplastic resin and ink.

4. The hand stamp as claimed in claim 1, wherein said first ink has a first color and said second ink has a second color that is different than the first color.

5. The hand stamp as claimed in claim 1, wherein the at least one edge having a non-porous surface is exposed to a light source for forming the non-porous surface.

6. The hand stamp as claimed in claim 1, wherein said first and second marking structures are pre-inked marking structures.

7. A hand stamp comprising:

a first marking structure having a front surface adapted to print ink onto an object, a rear surface and peripheral edges extending between said front and rear surfaces of said first marking structure, wherein at least one of the peripheral edges of said first marking structure has a first pattern;

a second marking structure having a front surface adapted to print ink onto an object, a rear surface and peripheral edges extending between said front and rear surfaces of said second marking structure, wherein at least one of the peripheral edges of said second marking structure has a second pattern that matches the first pattern;

said first and second marking structures being assembled together with the first patterned peripheral edge of said first marking structure interlocking with the second patterned peripheral edge of said second marking structure so that said first and second marking structures can be assembled together in only one configuration.

8. The hand stamp as claimed in claim 7, wherein at least one of the interlocked first and second patterned peripheral edges has a non-porous surface for preventing ink migration between said first and second marking structures.

9. The hand stamp as claimed in claim 7, wherein said first and second marking structures comprise foam.

10. The hand stamp as claimed in claim 7, wherein said first and second marking structures comprise a mixture of thermoplastic resin and ink.

11. The hand stamp as claimed in claim 7, wherein said first marking structure carries an ink of a first color and said second marking structure carries an ink of a second color that is different than the first color.

12. The hand stamp as claimed in claim 7, wherein the at least one edge having a non-porous surface is exposed to a light source for forming the non-porous surface.

13. The hand stamp as claimed in claim 7, wherein said first and second marking structures are pre-inked marking structures.

14-18. (canceled)

19. The hand stamp as claimed in claim 1, wherein said opposing edges of said first and second marking structures are in contact with one another.

20. The hand stamp as claimed in claim 2, wherein said non-porous surface comprises melted microporous foam that prevents ink from passing therethrough.

21. The hand stamp as claimed in claim 1, wherein said non-porous surface is integral with one of said first and second marking structures.

22. The hand stamp as claimed in claim 7, wherein the interlocked patterned peripheral edges of said marking structures comprise foam.

23. The hand stamp as claimed in claim 22, wherein one of the interlocked patterned peripheral edges has a non-porous surface and the other of the interlocked patterned peripheral edges has a porous surface.

24. The hand stamp as claimed in claim 7, wherein said first and second marking structures comprise foam surfaces, and wherein at least one foam surface of said first marking structure is in direct contact with at least one foam surface of said second marking structure.

APPENDIX B - EVIDENCE

Appellant has not submitted any evidence with this Appeal Brief.

APPENDIX C - RELATED PROCEEDINGS

Appellant is not aware of any related proceedings.